

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

CHRISTIAN PATRICK DENTON, #18665-084,

Petitioner,

v.

Civil Action No.: 2:18cv144

J. RAY ORMOND, Warden,  
F.C.C. Petersburg,

Respondent.

FINAL ORDER

Before the Court is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2241. ECF No. 1. In his Petition, the *pro se* Petitioner challenges his institutional conviction for "possession of intoxicants," as a result of which the Petitioner claims to have lost forty-seven (47) days of Good Conduct Time, though the Report and Recommendation notes that it was actually forty-one (41) days. Specifically, Petitioner states the Bureau of Prisons failed to provide him a copy of the DHO report and he was not able to appeal the decision. *Id* at 7. On June 15, 2018, the Respondent filed a Motion to Dismiss. ECF No. 5. Petitioner did not file a response to the Motion to Dismiss.

The matter was referred for disposition to a United States Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(B)-(C),

Federal Rule of Civil Procedure 72(b), Local Civil Rule 72, and the April 2, 2002 Standing Order on Assignment of Certain Matters to United States Magistrate Judges. In a Report and Recommendation entered on November 2, 2018, ECF No. 8, the Magistrate Judge recommended that the relief sought by the Respondent's Motion to Dismiss be GRANTED, and the Petition be DENIED AND DISMISSED WITH PREJUDICE. The parties were advised of their right to file written objections to the Report and Recommendation. On November 29, 2018, the Petitioner's copy of the Report and Recommendation was returned as "not deliverable as addressed, unable to forward." ECF No. 9. Petitioner did not advise the Court of any change of address. The Court issued an Order on January 18, 2019, directing the Clerk to mail another copy of the Report and Recommendation to Petitioner at FCI Estill in South Carolina.<sup>1</sup> Further, the Court instructed "any party may serve on the other party and file with the Clerk of the Court specific written objections to the Report and Recommendation within fourteen days from the date this Order." ECF No. 10 at 2. Neither the Petitioner nor the Respondent filed objections with the Court and the time to do so has expired.

---

<sup>1</sup> The Bureau of Prisons Inmate Locator reflected an address for Petitioner at FCI Estill, 100 Prison Road, Estill, SC 29918, which suggests that Petitioner's custody has been transferred to the District of South Carolina.

Having reviewed the record and having heard no objection, the Court agrees with the Report and Recommendation on the grounds stated by the Magistrate Judge and **ADOPTS** and **APPROVES** the Report and Recommendation, ECF No. 8, in its entirety as the Court's own opinion. Accordingly, the Respondent's motion to dismiss, ECF No. 5, is **GRANTED**, and the Petition, ECF No. 1, is **DENIED** and **DISMISSED WITH PREJUDICE**. It is **ORDERED** that judgment be entered in favor of the Respondent.

The Petitioner is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of the Court at the Walter E. Hoffman United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within sixty (60) days from the date judgment is entered. Because the Petitioner has failed to demonstrate a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b)(1), the Court declines to issue a certificate of appealability. See *Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003).

The Clerk is **DIRECTED** to forward a copy of this Order to the  
Petitioner and counsel of record for the Respondent.

It is so **ORDERED**.

/s/ 

**Mark S. Davis**  
**Chief Judge**

MARK S. DAVIS  
CHIEF UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

Date: 